

Senator Spears, by unanimous consent, submitted at this time the following report:

Austin, Texas,
June 16, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Labor, to whom was referred

H. B. No. 372, A bill to be entitled "An Act relating to the payment of the prevailing rate of wages on public works; defining certain terms as used in this Act; providing the general rate of wages shall be paid; providing for predetermination of the prevailing rate of wages; requiring a public body to pay the prevailing rate of wages on any works constructed, repaired, or improved by its own forces; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SPEARS, Chairman.

Senator Weinert, by unanimous consent, submitted at this time the following report:

Austin, Texas,
June 16, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 1064, A bill to be entitled "An Act to amend Section 2 of Chapter 11 of Subdivision III, Water Improvement Districts, Acts of the Forty-sixth Legislature, Regular Session, H. B. No. 594, approved April 18, 1939, and effective the same date, so as to provide for dividing water improvement districts organized or operated under Chapter 2 of Title 128, Revised Civil Statutes of Texas of 1925, when such districts are operated under contract with the Department of the Interior of the Government of the United States, into divisions for the election of Directors thereof; validating and confirming all orders heretofore made by the Board of Directors, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Adjournment

On motion of Senator Lemens, the Senate, at 12:05 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

SEVENTY-EIGHTH DAY

(Tuesday, June 17, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Chadick	Ramsey
Cotten	Shivers
Fain	Smith
Formby	Spears
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Absent—Excused

Graves Hill

A quorum was announced present.

The invocation was offered by Rev. S. B. Culpepper, Chaplain.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Hill was granted leave of absence for today on account of important business, on motion of Senator Sulak.

Senator Graves was granted leave of absence for today on account of important business, on motion of Senator Mauritz.

**Communication from District Attorney
of Travis County**

Senator Brownlee submitted the following communication from the District Attorney of Travis County.

Austin, Texas,
June 17, 1941.

Hon. Houghton Brownlee, State Senator.

Sincerely believe that final enactment of H. B. No. 73 will provide for better enforcement against drunk driving. The present law is not workable and results in lack of enforcement. Believe that Governor was improperly advised. Ask your serious consideration of passage notwithstanding Governor's veto.

HOMER THORNBERRY,
District Attorney,
Travis County.

The communication was read, and by unanimous consent, it was ordered printed in the Journal.

Message from the House

The Chief Clerk of the House was recognized by the President to present the following message:

Hall of the House of Representatives,
Austin, Texas,
June 17, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

House has failed to pass notwithstanding the veto of the Governor by a vote of 77 ayes, 43 noes:

S. B. No. 187, A bill to be entitled "An Act to facilitate the cooperation of this State with other units of government, determining the membership of the Board, and establishing the Texas Commission on Interstate Cooperation; describing the functions and operations of said commission; providing for the establishment of delegations and committees; providing for reports; providing titles for the committees and the commission; declaring the Council of State Governments a joint governmental agency of this State and of the other states; stating the intent of a fund to be appropriated by the Legislature; providing a saving clause; and declaring an emergency."

House has passed notwithstanding the veto of the Governor by a vote of 100 ayes, 21 noes:

H. B. No. 73, A bill to be entitled "An Act amending Article 802 of the Penal Code of Texas, as amended by Acts of the Second Called Session of the Legislature in 1923, as amended by Acts of 1935, Forty-fourth Legislature, First Called Session, Chapter 424, as amended by Acts of 1937, Forty-fifth Legislature, Chapter 60, providing that any person who drives or operates an automobile or other motor vehicle upon any public road or highway, or upon any street or alley within the limits of an incorporated city, town or village, while such person is intoxicated or in any degree under the influence of intoxicating liquors, shall be guilty of a misdemeanor, reducing the maximum penalty provided in said Article from a penitentiary offense to a jail sentence, and increasing the minimum penalty thereof; and providing further that if such drunken driver shall be the cause of an accident whereby the death of another person shall be caused, he shall be guilty of a felony, and upon conviction he shall be confined in the penitentiary for not less than one year nor more than five years; and declaring an emergency."

H. B. No. 1084, A bill to be entitled "An Act to amend Chapter 63, Acts of 1933, Forty-third Legislature, First Called Session, page 169, as amended by Chapter 17, Acts of 1934, Forty-third Legislature, Fourth Called Session, page 47, so as to change Section 3 of said Chapter 63 so that the same may hereafter provide, in addition to its other provisions, that the Board of Directors of the Lower Neches Valley Authority shall consist of nine instead of seven members, all of whom shall be freehold property tax payers and legal voters of the State of Texas, and providing that such nine directors shall be appointed by the State Board of Water Engineers, three members thereof to be appointed for a term of two years, three members thereof to be appointed for a term of four years and three members thereof to be appointed for a term of six years; and to change Section 4 of said Chapter 63 so that the same may hereafter provide, in addition to its other provisions, that the Board of Directors shall organize by electing one of their members

president, one vice-president, one treasurer and one secretary, and providing that five directors shall constitute a quorum at any meeting, and a concurrence of majority of those present shall be sufficient in all matters pertaining to the business of the district except the letting of construction contracts and the authorization of issuance of warrants paying therefor, which shall require the concurrence of seven directors; and to change Section 16 of said Chapter 63 so that in addition to its other provisions, it will hereafter provide that for any corporate purpose said district may borrow money from the Federal Emergency Administration of Public Works of the United States or from any other department or agency of the United States, or from any other source, and in evidence thereof may issue the notes, warrants, certificates of indebtedness, bonds or other forms of obligations of such District; and to change Section 23 of said Chapter 63 so that the same shall hereafter provide, in addition to its other provisions, that the Board of Directors may in its discretion have executed in favor of the holders of the District's obligations an indenture mortgaging and encumbering the improvements, facilities and properties acquired with the proceeds of the sale of such obligations, and/or all of the improvements, facilities and properties of the district, and that such indenture may likewise mortgage and encumber the revenues to be derived from the operation of such improvements, facilities and properties; and declaring an emergency."

H. B. No. 1085, A bill to be entitled "An Act creating a Consolidated Road District No. 3 of Tyler County, Texas, under authority of Article 3, Section 52 of the Constitution of Texas, for the purpose of fully and fairly compensating original road districts Nos. 3 and 4 of said county in amounts equal to the respective amounts of road bonds outstanding against such included road districts respectively, and for the purpose of the purchase and construction of district roads therein, and for the purpose of the further construction, maintenance, and operation of macadamized, graveled, or paved roads and turnpikes, or in aid thereof when authorized by a two-thirds majority vote of the qualified property tax-

paying voters of said district, voting at an election for that purpose; making said road district a body corporate and taxing district under authority of Article 3, Section 52 of the Constitution of Texas, and providing that said consolidated road district shall have authority and be vested by the General Laws of Texas for such districts; describing the territory comprising such district, and reciting that it contains all of original road districts Nos. 3 and 4 of said county, and overlaps a portion of original road 2 of said county, and providing that it shall not interfere in any manner with said road district No. 2 in levying, assessing and collecting ad valorem taxes in payment of bonds of said road district No. 2; providing it shall have authority to issue bonds and levy ad valorem taxes in payment thereof as provided by the General Laws enacted under the provisions of Article 3, Section 52 of the Constitution of Texas; and declaring an emergency."

H. B. No. 1086, A bill to be entitled "An Act declaring the recent flood in the City of Albany and elsewhere in Shackelford County to be a public calamity; donating and granting to the City of Albany, Texas, for a period of ten (10) years one-half of the State ad valorem taxes collected in Shackelford County for general revenue purposes; declaring the moneys so granted to be trust funds to aid said city in paying interest on and principal of and providing sinking fund for bonds or warrants hereafter issued by said city; specifying that the proceeds of such bonds or warrants be used exclusively in the construction of flood control works and improvements in conservation and utilization of water, in replacement of destroyed city lake, in repair and rebuilding of city water works system; prohibiting diversion of such moneys; specifying the reports to be made by the assessor and collector of collections of State ad valorem taxes for general revenue purposes and disposal thereof and providing for the payment over by him of the moneys collected; repealing S. B. No. 502, Regular Session, Forty-seventh Legislature; providing that if any provision of this Act shall be held invalid or unconstitutional the other provisions shall not be affected; and declaring an emergency."

H. C. R. No. 240, Providing for recess of Legislature from June 20, 1941, to July 15, 1941 and for sine die adjournment on July 18, 1941.

The House refused to concur in Senate amendments to H. B. No. 1082 and has requested the appointment of a Conference Committee to consider the differences between the two Houses and appoints: Hardeman, Bean, Eubanks, Isaacks and Celaya.

H. C. R. No. 239, Authorizing the Board of Regents of the Texas State Teachers College to sell certain property.

H. C. R. No. 242, Relative to furnishing laborers for South Texas during cotton season.

The House has concurred in Senate amendments to H. B. No. 1043 by a vote of 117 ayes, 0 noes.

S. J. R. No. 21, Proposing an amendment to the Constitution of the State of Texas authorizing the Legislature to appropriate Seventy-five Thousand (\$75,000.00) Dollars or so much thereof as may be necessary to pay claims incurred by John Tarleton Agricultural College for the construction of a building on the campus of such college pursuant to deficiency authorization by the Governor of Texas on August 31, 1937.

The House has concurred in Senate amendments to H. B. No. 898 by a vote of 121 yeas, 5 noes.

The House has concurred in Senate amendments to H. B. No. 974 by a vote of 127 ayes, 0 noes.

The House has concurred in Senate amendments to H. B. No. 1036 by a vote of 120 yeas, 0 noes.

The House has adopted the Conference Committee report on H. B. No. 963 by a vote of 67 ayes, 49 noes.

The House has concurred in Senate amendments to H. B. No. 788 by a vote of 110 yeas, 0 noes.

S. C. R. No. 78, Authorizing Enrolling Clerk of the Senate to make certain corrections in S. B. No. 125.

The House has reconsidered the vote by which the House concurred in Senate amendments to H. B. 971 and has then refused to concur in Senate amendments to H. B. No. 971 and has requested the appointment of a Conference Committee to consider the differences between the two Houses, and appoints: Lyle, Lansberry, Walters, Leyendecker and Celaya.

The House has concurred in Senate amendments to H. C. R. No. 124 by a vote of 123 yeas, 0 noes.

The House has concurred in Senate amendments to H. B. No. 741 by a vote of 129 yeas, 2 noes.

The House has concurred in Senate amendments to H. C. R. No. 133 by a vote of 128 yeas, 0 noes.

The House has concurred in Senate amendments to H. C. R. No. 209 by a vote of 121 yeas, 0 noes.

The House has concurred in Senate amendments to H. B. No. 425 by a vote of 120 yeas, 4 noes.

The House has concurred in Senate amendments to H. B. No. 1038 by a vote of 114 yeas, 0 noes.

The House has concurred in Senate amendments to H. B. No. 918 by a vote of 112 yeas, 1 nay.

The House has concurred in Senate amendments to H. C. R. No. 116 by a vote of 114 yeas, 0 noes.

The House has concurred in Senate amendments to H. C. R. No. 117 by a vote of 120 yeas, 0 noes.

The House has concurred in Senate amendments to H. B. No. 931 by a viva voce vote.

The House has refused to concur in Senate amendments to H. B. No. 711 and requests the appointment of a Conference Committee to adjust the difference between the two Houses. The following are appointed on the part of the House: Vale, Lyle, Hartzog, Leyendecker and Celaya.

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

Bills Tabled

On motion of Senator Metcalfe and by unanimous consent, S. B. No. 314, S. B. No. 439, and S. B. No. 480 were tabled.

On motion of Senator Sulak, S. B. No. 176 and S. B. No. 407 were tabled.

Senate Resolution 168

Senator Moore offered the following resolution:

Be It Resolved by the Senate of Texas, That Mr. Weldon Hill of the Houston Post and his wife be given the privileges of the floor.

The resolution was read, and, by unanimous consent, it was considered at this time and was adopted.

**Conference Committee on
House Bill 971**

Senator Weinert called up from the President's table, for consideration at this time, the request of the House for a Conference Committee on H. B. No. 971.

Senator Weinert moved that the request of the House be granted.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate: Senators Weinert, Kelley, Stone, Winfield and Metcalfe.

House Bill on First Reading

The following bill received from the House today, was laid before the Senate, read first time, and referred to the committee indicated:

H. B. No. 1086, to the Committee on State Affairs.

Messages from the Governor

The President laid before the Senate, and had read, the following messages from the Governor:

Austin, Texas,
June 16, 1941.

To the Senate of the Forty-seventh Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointments:

To be Members of the Board of Directors of the San Antonio River Canal and Conservancy District for six year terms expiring May 5, 1947:

P. D. Mathis, San Antonio, Bexar County;

M. L. Roark, San Antonio, Bexar County;

Alf Shroeter, Runge, Karnes County (all reappointments).

Respectfully submitted,
W. LEE O'DANIEL,
Governor of Texas.

Austin, Texas,
June 17, 1941.

To the Senate of the Forty-seventh Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointment:

For a two year term as Branch Pilot for the Sabine Bar, Pass and

Tributaries, term expiring June 13, 1943:

Captain Carl M. Bancroft of Beaumont, Jefferson County.

Respectfully submitted,
W. LEE O'DANIEL,
Governor of Texas.

Austin, Texas,
June 17, 1941.

To the Senate of the Forty-seventh Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointments:

To be Members of the Board of Mansion Supervisors for six year terms expiring February 21, 1947:

Miss Ima Hogg, Houston, Harris County;

Mrs. Jesse Martin, Fort Worth, Tarrant County;

Mrs. Harry Knox, Austin, Travis County.

Respectfully submitted,
W. LEE O'DANIEL,
Governor of Texas.

The messages were referred to the Committee on Nominations of the Governor.

**Report of Conference Committee on
House Bill 971**

Senator Weinert submitted the following report:

Austin, Texas,
June 17, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives;
Hon. Coke R. Stevenson, President of the Senate:

Sirs: We, your Conference Committee appointed to adjust the differences between the House and Senate on H. B. No. 971, have met and beg leave to recommend that said H. B. No. 971 be passed in the form hereto attached.

Respectfully submitted,
LYLE,
LANSBERRY,
WALTERS,
LEYENDECKER,
CELAYA,
On the part of the House;
WEINERT,
METCALFE,
KELLEY,
STONE,
WINFIELD.

On the part of the Senate.

H. B. No. 971, A bill to be entitled "An Act authorizing cities and towns eligible under the terms of this Act to fund certain indebtedness outstanding on the effective date of this Act; prescribing the method and procedure for issuance of funding or refunding bonds, and which cities or towns cannot derive revenues for general fund operating expenses from any publicly owned utilities at this time; validating such outstanding indebtedness not in litigation at the time this Act becomes effective; providing that this Act shall not increase the debt burden of any such city or town; providing that this Act shall be cumulative of all other Acts, but that its provisions shall prevail in the event of conflict with other laws; enacting provisions incident to and relating to the subject; and declaring an emergency."

Whereas, Certain cities and towns of this State are faced with the immediate necessity of making improvements in streets which are the connecting link between State highways which State highways are being and will be used as military highways; and

Whereas, Said cities and towns are unable to make and maintain such street improvements without increasing the debt burden unless they be permitted to fund or refund their current general fund obligations; therefore

Be It Enacted by the Legislature of the State of Texas:

Section 1. That the governing body of any city or town in this State whose street or streets form a connecting link between State highways, having outstanding as of the effective date of this Act, unpaid and delinquent indebtedness against its General Fund, whether in the form of scrip warrants, warrants or notes, or in either or all of such forms, and which cannot derive revenues for General Fund operating purposes from any publicly owned utilities at this time, is hereby authorized to issue funding or refunding bonds for the purpose of funding any such items which constitute legal indebtedness of such city or town. No election nor notice of intention to issue such funding or refunding bonds shall be required. If funding or refunding bonds are issued they shall be issued in the manner prescribed

by Article 717 of the Revised Civil States of Texas, 1925, for the issuance of refunding bonds.

Sec. 2. Such funding or refunding bonds shall mature serially or otherwise, not to exceed thirty (30) years from their date and shall bear a rate of interest not to exceed five (5%) per cent per annum, payable annually or semi-annually.

Sec. 3. When said funding or refunding bonds are issued it shall be the duty of the governing body of such city or town to levy a tax sufficient to pay the principal and interest thereon as such principal and interest mature.

Sec. 4. If funding or refunding bonds are issued they shall be submitted to the Attorney General of the State of Texas for his examination and approval in the same manner and with the same effect as is provided in Article 709 to 715, both inclusive, of the Revised Civil Statutes of 1925, and shall be registered by the Comptroller of Public Accounts as is provided in said Articles.

Sec. 5. All such outstanding indebtedness is hereby validated, provided that the provisions of this Section shall not be applicable to any such items of indebtedness which may be in litigation at the time this Act becomes effective.

Sec. 6. This Act shall not be interpreted so as to authorize an increase in the debt burden of any such city or town.

Sec. 7. This Act shall be cumulative of all other laws on the subject, but in the event any of its provisions are in conflict with any existing laws the provisions hereof shall prevail and be effective to the extent of such conflict.

Sec. 8. If funding or refunding bonds are issued such city or town shall furnish to the Attorney General, at the time of submission of the bond transcript, a certificate of the necessity of such street improvement by the State Highway Department.

Sec. 9. The fact that there is now no adequate law permitting the funding or refunding of such outstanding obligations and the great need of such legislation by affected cities and towns, creates an emergency and an imperative public necessity that the Constitutional Rule requiring

bills to be read on three several days in both Houses of the Legislature be suspended, and said rule is hereby suspended and that this Act shall be effective immediately from and after its passage and it is so enacted.

The report was adopted by the following vote:

Yeas—29

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Chadick	Ramsey
Cotten	Shivers
Fain	Smith
Formby	Spears
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Absent—Excused

Graves Hill

Conference Committee on House Bill 1082

Senator Metcalfe called up from the President's table, for consideration at this time, the request of the House for a Conference Committee on H. B. No. 1082.

Senator Metcalfe moved that the request of the House be granted.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate: Senators Metcalfe, Winfield, Moffett, Hazlewood and Smith.

Report of Conference Committee on House Bill 199

Senator Moore submitted the following report of the Conference Committee on H. B. No. 199:

Conference Committee Room,
Austin, Texas,
June 16, 1941.

Hon. Coke R. Stevenson, President
of the Senate.

Hon. Homer Leonard, Speaker of the
House.

Sirs: We, your Conference Committee, appointed to adjust the differences between the two Houses on H. B. No. 199, have met and beg leave

to recommend that said H. B. No. 199 be passed in the form hereto attached.

Respectfully submitted,

SHIVERS,
STONE,
MOORE,
HAZLEWOOD,

On the part of the Senate;

McNAMARA,
KINARD,
BEAN,
CLARK,
McALISTER,

On the part of the House.

Bill as Recommended by Conference Committee

H. B. No. 199, A bill to be entitled "An Act to repeal Section 20 of Chapter 76 of Acts, 1935, Forty-fourth Legislature, Regular Session, as amended by Section 1 of Chapter 15 of Acts, 1937, Forty-fifth Legislature, Regular Session, as amended by Section 1 of H. B. No. 851, page 500, of Acts, 1939, Forty-sixth Legislature, Regular Session; and declaring an emergency."

Be It Enacted by the Legislature of the State of Texas:

Section 1. Section 20 of Chapter 76, of Acts, 1935, Forty-fourth Legislature, Regular Session, as amended by Section 1 of Chapter 15 of Acts, 1937, Forty-fifth Legislature, Regular Session, as amended by Section 1 of H. B. No. 851, page 500, Acts, 1939, Forty-sixth Legislature, Regular Session, is hereby repealed.

Sec. 2. The crowded condition of the calendar creates an emergency and an imperative public necessity that the Constitutional Rule requiring that bills be read on three several days in each House be suspended, and such rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read.

The report was adopted by the following vote:

Yeas—26

Aikin	Lanning
Beck	Lemens
Brownlee	Lovelady
Fain	Martin
Formby	Mauritz
Hazlewood	Metcalf
Isbell	Moffett
Kelley	Moore

Ramsey	Van Zandt
Shivers	Vick
Smith	Weinert
Spears	Winfield
Stone	York

Nays—1

Cotten

Absent

Chadick	Sulak
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Absent—Excused

Graves	Hill
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Report of Standing Committee

Senator Moore, by unanimous consent, submitted at this time the following report:

Committee Room,
Austin, Texas,
June 17, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred

H. B. No. 1086, A bill to be entitled "An Act declaring the recent flood in the City of Albany and elsewhere in Shackelford County to be a public calamity; donating and granting to the City of Albany, Texas, for a period of ten (10) years one-half of the State ad valorem taxes collected in Shackelford County for general revenue purposes; declaring the moneys so granted to be trust funds to aid said city in paying interest on and principal of and providing sinking fund for bonds or warrants hereafter issued by said city; specifying that the proceeds of such bonds or warrants be used exclusively in the construction of flood control works and improvements in conservation and utilization of water, in replacement of destroyed city lake, in repair and rebuilding of city water works system; prohibiting diversion of such moneys; specifying the reports to be made by the assessor and collector of collections of State ad valorem taxes for general revenue purposes and disposal thereof and providing for the payment over by him of the moneys collected; repealing S. B. No. 502, Regular Session, Forty-seventh Legislature; providing that if any provision of this Act shall be held invalid or unconstitutional the other provisions shall not be affected; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

House Bill 1086 on Second Reading

Senator Smith moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1086 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Metcalfe
Beck	Moffett
Brownlee	Moore
Chadick	Ramsey
Cotten	Shivers
Fain	Smith
Formby	Spears
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Absent—Excused

Graves	Hill
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The President laid H. B. No. 1086 before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

House Bill 1086 on Third Reading

The President then laid H. B. No. 1086 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Hazlewood	Spears
Kelley	Stone
Lanning	Sulak
Lovelady	Van Zandt
Martin	Vick

Weinert York
Winfield

Nays—2

Isbell Lemens

Absent—Excused

Graves Hill

Report of Conference Committee on House Joint Resolution 23 Adopted

Senator Moffett moved that the report of the Conference Committee on H. J. R. No. 23, previously submitted, be adopted.

The motion prevailed by the following vote:

Yeas—29

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Chadick	Ramsey
Cotten	Shivers
Fain	Smith
Formby	Spears
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Absent—Excused

Graves Hill

House Bills on First Reading

The following bills, received from the House today, were laid before the Senate, read severally first time, and referred to the committees indicated:

H. B. No. 1084, to Committee on State Affairs.

H. B. No. 1085, to Committee on Counties and County Boundaries.

House Bill 1064 on Second Reading

On motion of Senator Winfield, and by unanimous consent, the regular order of business was suspended to permit consideration of H. B. No. 1064 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 1064, A bill to be entitled "An Act to amend Section 2, of Chapter 11 of Subdivision III, water improvement districts, Acts of the Forty-sixth Legislature, Regular Ses-

sion (H. B. No. 594, approved April 18, 1939, and effective the same date) so as to provide for dividing water improvement districts organized or operated under Chapter 2 of Title 128, Revised Civil Statutes of Texas of 1925, when such districts are operated under contract with the Department of the Interior of the Government of the United States, into divisions for the election of directors thereof; validating and confirming all orders heretofore made by the board of directors of such districts, dividing said districts into divisions, and validating and confirming all elections heretofore held for directors for each of such divisions; requiring directors thereof to be owners of land subject to taxation in the division from which they are elected; providing for the election of such directors by the vote of the qualified electors of the whole water improvement district; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 1064 on Third Reading

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1064 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Chadick	Ramsey
Cotten	Shivers
Fain	Smith
Formby	Spears
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Absent—Excused

Graves Hill

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Chadick	Ramsey
Cotten	Shivers
Fain	Smith
Formby	Spears
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Absent—Excused

Graves Hill

Report of Conference Committee on Senate Bill 471

Senator Lanning submitted the following report of the Conference Committee on S. B. No. 471:

Austin, Texas,
June 12, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sirs: We, your Conference Committee appointed to adjust the differences between the House and the Senate on S. B. No. 471,

Have had the same under consideration and beg to report back with the

recommendation that it do pass in the form hereto attached, printed.

Respectfully submitted,

LANNING,
ISEBELL,
FORMBY,
LEMENS,

On the part of the Senate;

LEHMAN,
McGLASSON,
STANFORD,
TURNER,
COLSON,

On the part of the House.

S. B. No. 471, A bill to be entitled "An Act making appropriations to pay miscellaneous claims out of the General Revenue Fund, or such other funds as may be designated herein for each item, not otherwise appropriated; providing that before payment of any claims shall be paid from the funds hereby appropriated the same shall have the approval of the State Comptroller and the Attorney General; and provided further that any claim involving the refund of a franchise tax shall also carry the approval of the Secretary of State in addition to the other officials herein named; and declaring an emergency."

Be It Enacted by the Legislature of the State of Texas:

"Section 1. That the following sums of money, or so much thereof as may be necessary be and the same are hereby appropriated to be paid out of the General Revenue Fund, or such other funds as may be designated herein for each item, not otherwise appropriated to pay miscellaneous claims against the State of Texas as herein enumerated:

Sub-section A. There is hereby appropriated out of the General Revenue Fund the following amounts:

To pay Allison's Drug Store, Wichita Falls, Texas, Warrant No. 197768, dated August 31, 1934, on which payment is prohibited by the Statute of Limitation.....	\$ 20.56
To pay Archaeological Institute of America, Warrant No. 165-399, dated June 27, 1935, on which payment is prohibited by Statute of Limitation.....	107.39
To pay W. T. Ballard, Warrant No. 171300, dated June 24, 1936, on which payment is prohibited by the Statute of Limitation.....	6.52
To pay Bemis Brothers Bag Company, St. Louis, Mo., overpayment of filing permit fee to do business in the State of Texas from year 1927 to 1937.....	2,220.00
To pay M. E. Lovett in settlement of state ad valorem taxes paid on exempt homestead.....	26.01

To pay Capt. H. H. Ramsey, Regimental Headquarters; 132d Field Artillery, 36th Division, Camp Bowie, Texas, for a National Guard Army Band, Warrant No. 72093, dated December 31, 1937, and previously issued to Washington Biard, who has turned the Warrant over to Capt. Ramsey, on which payment is prohibited by the Statute of Limitation.....	16.00
To pay George P. Blackburn, District Attorney, Paris, Texas, Treasury Warrant No. 34804, dated December 31, 1923, on which payment is prohibited by the Statute of Limitation....	41.66
To pay Capital National Bank, Austin, Texas, Comptroller's Deficiency Certificate No. 21816, dated December 11, 1930, issued in full payment of all claims by the J. T. Carlisle Estate	7,912.10
To pay S. A. Castleberry, Vernon, Texas, Treasury Warrant No. 21842, dated January 18, 1935, formerly issued to J. C. Christopher but now owned and held by claimant, on which payment is prohibited by Statute of Limitation.....	100.00
To pay C O Co. K, 144 Inf., Winnsboro, Warrant No. 115193, dated March 31, 1934, on which payment is prohibited by the Statute of Limitation.....	7.50
To pay Dr. Frederick Eby, University Station, Austin, Texas, Warrant No. 70279, dated March 3, 1932, payee, Miriam Dozier, on which payment is prohibited by the Statute of Limitation	200.00
To pay Eagle-Picher Sales Company, White Warrant No. 164649, dated June 14, 1936, for the sum of \$1.18; Green Warrant No. 158553, dated March 30, 1936, for the sum of \$46.80.....	47.98
To pay E. E. Ellis, Jacksboro, Texas, for overpayment of property taxes in the year 1937.....	12.25
To pay C. G. Engledow for services rendered as special District Attorney in the District Court of Camp County, Texas, State of Texas vs. John A. Cook.....	100.00
To pay Lane Finley, Warrant No. 12022, dated September 30, 1931, on which payment is prohibited by the Statute of Limitation	16.50
To pay Mrs. Hannah Margaret Flood, 2314 Strand Street, Galveston, Texas, refund of overpayment of State Inheritance Tax	12.50
To pay General Beverage Distributors' Inc., Warrant No. 13318, dated December 4, 1934, on which payment is prohibited by the Statute of Limitation.....	82.13
To pay Dave Gill and Andress Galindo, Warrant No. 186527, dated August 3, 1934, on which payment is prohibited by the Statute of Limitation.....	17.60
To pay Cleto Gomez, Warrant No. 93699, dated February 4, 1937, on which payment is prohibited by the Statute of Limitation	7.52
To pay Frank Hamer for his services in the capture of Clyde Barrow on May 23, 1934, the amount of money which was necessary for him to pay out in order to accomplish the task assigned to him by the Manager of the Prison System in Texas	1,075.00
To pay T. J. Holbrook, rent for one month during the spring of 1939 for premises rented by the Board of Control at 1308 Congress Avenue, Austin, Texas.....	50.00
To pay the Ideal Baking Company of Paris, Texas, for overpayment of taxes on property in the year 1939 due to an error in the Tax Collector's office in Lamar County, Texas....	15.40
To pay W. O. Jenkins, Warrant No. 156477, dated May 29, 1936, for the sum of \$112.50; Warrant No. 163686, dated June 10, 1936, for the sum of \$37.33; Warrant No. 140420, dated April 30, 1936, for the sum of \$112.50; on which payments are prohibited by the Statute of Limitation.....	263.33

To pay LaSalle County Department of Education, Warrant No. 112056, dated March 19, 1934, on which payment is prohibited by the Statute of Limitation.....	10.00
To pay W. P. Laughter, Warrant No. 116512, dated March 26, 1934, for the sum of \$47.54; Warrant No. 133402, dated April 30, 1934, for the sum of \$200.00; on which payments are prohibited by the Statute of Limitation.....	247.54
To pay Lyford Public School, Warrant No. 180856, dated August 1, 1935, for the sum of \$35.16; Warrant No. 173197, dated July 13, 1934, for the sum of \$90.63 on which payment is prohibited by the Statute of Limitation.....	125.79
To pay Claude Melton, Gasoline Refund Warrant No. 110972, dated May 4, 1938 on which payment is prohibited by the Statute of Limitation.....	30.68
To pay B. N. Richards, Dalhart, Texas for services as Special District Attorney at the May term, 1940, of the District Court of Dallam County for 13 days at \$10.95 per day.....	142.35
To pay Santa Margarita Public Schools, Warrant No. 180881, dated August 1, 1935, on which payment is prohibited by the Statute of Limitation.....	84.38
To pay Southern Commercial Corporation for franchise tax paid to the Secretary of State for the year 1940-41, by reason of the dissolution of said corporation prior to the effective date of such tax.....	138.00
To pay The Steck Company, Austin, Texas, for the use of 39,-603,690 cigarette stamps by the State Board of Control.....	4,732.64
To pay A. N. Steinle, Warrant No. 165280, dated June 15, 1936, on which payment is prohibited by the Statute of Limitation....	15.00
To pay Magnolia W. Sealy Estate refund of inheritance tax.....	296.56
To pay Western Gas, Warrant No. 139723, dated May 7, 1935, on which payment is prohibited by the Statute of Limitation.....	5.25
To pay M. F. Yount Estate overpayment of inheritance tax.....	2,880.00
To pay Allen Hardware Company, Hearne, Texas, refund for permit	5.00
To pay Acme Cement Plaster Company for refund of franchise taxes illegally collected.....	5,150.00
To pay A. Harris & Company, Warrant No. 185463 on which payment was prohibited by Statute of Limitation.....	9.25
To pay American United Life Insurance Company, Indianapolis, Indiana, for refund of occupation taxes erroneously collected	390.00
To pay American Credit Indemnity Company, New York, New York, for refund of occupation taxes erroneously collected....	69.62
To pay the American Soda Fountain Company, for refund of franchise taxes erroneously collected.....	5,145.00
To pay Arnold, J. W., Leonard, Texas, for refund on Old Age Assistance warrant erroneously cancelled.....	18.00
To pay Aetna Life Insurance Company, Hartford, Connecticut, for refund of occupation taxes erroneously collected.....	16,473.21
To pay Auto Spring and Supply Company, Wichita Falls, Texas, for refund of Chain Store Taxes erroneously collected	121.33
To pay Brown, J. J., Crowell, Texas, for refund of Land Taxes erroneously collected.....	46.24
To pay J. H. Beal, Warrant No. 166438 on which payment was prohibited by Statute of Limitation.....	8.40
To pay Brooks System Sandwich Shop, Houston, Texas, for refund of Chain Store Taxes erroneously collected.....	397.17
To pay Boyd, Mrs. W. R., Teague, Texas, for payment of Warrant No. 109773, on which payment was prohibited by Statute of Limitation.....	416.66

To pay Bradley, Leonard, et al., c/o J. L. Richardson, 3904 Dickinson Avenue, Dallas, Texas, in payment of judgment rendered in Cause No. 830, County Court of Jack County, Texas	3,847.95
To pay Brown, Carrol, San Antonio, Texas, for refund of Land Taxes erroneously collected	195.94
To pay Brenham Furniture Company, Brenham, Texas, for refund on permit from Health Department	10.00
To pay Blocker, Emma Lou, New Boston, Texas, for payment of service in collection of Delinquent Taxes	3,371.53
To pay Babsons Reports, Inc., Wellesley Hills, Massachusetts, Warrant No. 147558 on which payment was prohibited by Statute of Limitation	2.40
To pay Citizens National Bank, Cameron, Texas, in payment of General Revenue Warrants on which payment was prohibited by Statute of Limitation	377.38
To pay Connecticut Mutual Life Insurance Company, Hartford, Connecticut, for refund of taxes erroneously collected	1,856.80
To pay Consuelo Madrigas de Pena, Mrs. Alice, Texas for refund of bonus and rentals erroneously collected	1,344.00
To pay Cleveland Compress and Cotton Company, Houston, Texas, for refund of Occupation Tax erroneously collected	37.50
To pay Capitol Life Insurance Company, Denver, Colorado, for refund of taxes erroneously paid	2,556.66
To pay Cox, Thomas W., et al., Tyler, Texas, for refund of Inheritance Tax erroneously collected	3,078.35
To pay C. Jim Stewart & Stevenson, Houston, Texas, payment of goods furnished prison system	34.69
To pay W. T. Caswell and M. H. Reed, jointly, for court costs in the case of the State of Texas vs. Bradford, et al., No. 45226 in the Fifty-third District Court, Travis County	22,028.82
To pay Central Engineering and Supply Company, Dallas, Texas, for Warrant No. 58282 on which payment was prohibited by Statute of Limitation	.80
To pay Cliff Towers Corporation, Dallas, Texas, for refund on Beer and Wine Permit	25.00
To pay City State Bank and Trust Company, McAllen, Texas, for payment of Warrant No. 13210 on which payment was prohibited by Statute of Limitation	7.50
To pay Casualty Reciprocal Exchange, Kansas City, Missouri, for refund of taxes erroneously collected	1,564.01
To pay Denman, J. B., Brownwood, Texas, in payment for witness fee in the case of the State of Texas versus E. E. Ray, Cause No. 1968	7.00
To pay Douglas, E. L., Sherman, Texas, for refund of taxes erroneously collected	15.53
To pay Eckhardt Physician and Surgery Supply Company, Austin, Texas, for payment of General Revenue Warrants, No. 5823 and No. 97942, on which payment was prohibited by Statute of Limitation	20.25
To pay Elliott Printing Company, Austin, Texas, for printing and supplies furnished to State Board of Dental Examiners	53.24
To pay Eckhardt Gin Company, Yorktown, Texas, for refund of Chain Store Tax erroneously collected	24.50
To pay Ewing W. K., Company Inc., San Antonio, Texas, for refund of taxes erroneously collected	32.10
To pay First State Bank, Overton, Texas, in payment of Deficiency Warrants No. 566, dated July 30, 1938, and No. 517, dated June 30, 1938	350.00
To pay Foy, Frankie E., McAllen, Texas, in payment of Unemployment Compensation Warrants	84.17
To pay Falls County, Texas, in payment of royalty interest on public school land	1,094.67
To pay First National Bank, Childress, Texas, refund for Breeding Fee	7.50

To pay First National Bank, Temple, Texas, in payment of General Revenue Warrants on which payment was prohibited by Statute of Limitation.....	74.41
To pay First State Bank, Gladewater, Texas, in payment of General Revenue Warrants on which payment was prohibited by Statute of Limitation.....	29.01
To pay Frazier, Mrs. John, Wichita Falls, Texas, in payment of Unemployment Compensation Warrant No. 540128 on which payment was prohibited by Statute of Limitation.....	5.15
To pay First National Bank, Breckenridge, Texas, for check given by Secretary of State No. 21024 dated 7-27-29.....	2.32
To pay First National Bank, Midlothian, Texas, in payment of General Revenue Warrants, No. 209868 and 116266 on which payment was prohibited by Statute of Limitation.....	87.90
To pay Ft. Worth Well Machinery and Supply Company, Inc., Ft. Worth, Texas, in payment of General Revenue Warrant No. 68954 on which payment was prohibited by Statute of Limitation.....	7.24
To pay Ferrel, J. M., Memphis, Texas, for refund of Ad Valorem Taxes erroneously collected.....	11.83
To pay First National Bank, Odessa, Texas, in payment of Unemployment Compensation Warrant No. 493280 on which payment was prohibited by Statute of Limitation.....	7.70
To pay Goolesbee Mercantile Company, Warren, Texas, in payment of General Revenue Warrant, No. 163211, on which payment was prohibited by Statute of Limitation.....	100.00
To pay Graham, Thomas, Jr., Del Rio, Texas, for refund of Occupation Taxes erroneously collected.....	77.22
To pay Galveston County, Texas, in payment of General Revenue Warrants No. 155275 and No. 155276 on which payment was prohibited by Statute of Limitation.....	204.40
To pay Gaynor, W. H., Abilene, Texas, in payment of General Revenue Warrants on which payment was prohibited by Statute of Limitation.....	135.00
To pay Gatour, Jim, Austin, Texas, for refund on package store permit.....	175.00
To pay Gibson Garage and Machine Company, Bryan, Texas, in payment of General Revenue Warrant, No. 18680, on which payment was prohibited by Statute of Limitation.....	1.50
To pay Gonzales State Bank, Gonzales, Texas, in payment of Unemployment Compensation Warrant, on which payment was prohibited by Statute of Limitation.....	7.00
To pay First National Bank, Honey Grove, Texas, in payment of General Revenue Warrant, on which payment was prohibited by Statute of Limitation.....	4.00
To pay Hamilton, W. S., San Antonio, Texas, in payment of General Revenue Warrant, No. 178816, on which payment was prohibited by Statute of Limitation.....	15.00
To pay Hartwell Iron Works, Houston, Texas, in payment of General Revenue Warrant, No. 151696 on which payment was prohibited by the Statute of Limitation.....	13.20
To pay Henry, W. E., Rusk, Texas, refund for Breeding Fee.....	7.50
To pay Haden, W. T., Mereta, Texas, refund for Breeding Fee.....	7.50
To pay Houston Lighting & Power Company, Galveston, Texas, in payment for service rendered Court of Civil Appeals, Galveston, Texas.....	36.15
To pay Hatchcock, A. L., Palestine, Texas, for payment of General Revenue Warrant No. 33886, on which payment was prohibited by Statute of Limitation.....	35.00
To pay Ingram, Grady, Groveton, Texas, for recording fees in District Clerk's Office.....	66.50
To pay Ice Service Company, Wichita Falls, Texas, for refund of Chain Store Taxes erroneously collected.....	253.52
To pay Imperial Sugar Company, Sugarland, Texas, for refund of taxes erroneously collected.....	1,583.50

To pay Walter L. Johnson, Galveston, Texas, in payment of witness fee account.....	8.25
To pay Keller, Will E., et al., El Paso, Texas, for refund of inheritance tax erroneously collected.....	1,857.56
To pay the following named persons the amounts appearing opposite their names for services rendered during the month of November, 1940 in the Department of Labor:	
Buckner, Eula V., Austin, Texas.....	90.00
Perkins, Wislon, Austin, Texas.....	175.00
Moffat, Ellen, Austin, Texas.....	90.00
Grigsby, Johnnie Bell, Austin, Texas.....	90.00
Hutchins, Lois, Austin, Texas.....	90.00
To pay Keepers, Garbon E., Karnes City, Texas, for payment of General Revenue Warrant No. 170960 on which payment was prohibited by Statute of Limitation.....	14.64
To pay Karnes City Citation, Karnes City, Texas, for payment of General Revenue Warrant No. 198648 on which payment was prohibited by Statute of Limitation.....	48.35
To pay Karnes City News, Runge, Texas, for payment of General Revenue Warrant No. 44342 on which payment was prohibited by Statute of Limitation.....	2.00
To pay Klein Ice Cream Co., Houston, Texas, refund for Chain Store Tax erroneously collected.....	422.09
To pay Kunkel, A. J., Mereta, Texas, for refund of Breeding Fees.....	7.50
To pay Label, Ben, Denison, Texas, for refund of taxes erroneously collected.....	18.63
To pay Lund, William, San Antonio, Texas, General Revenue Warrant No. 73069 on which payment was prohibited by Statute of Limitation.....	25.00
To pay Lemons, Jessie L., Colmesneil, Texas, Unemployment Compensation Warrant No. 308803.....	2.47
To pay Lenz, G. A., Cuero, Texas, General Revenue Warrant No. 153962 on which payment was prohibited by Statute of Limitation.....	48.50
To pay Liga Pacifista Pro Patria, Laredo, Texas, refund for franchise tax erroneously collected.....	10.00
To pay Lewis, Clint, Jr., Colorado, Texas, General Revenue Warrant No. 142665 on which payment was prohibited by Statute of Limitation.....	16.50
To pay Lewis, Clint, Jr., Colorado, Texas, for returning fugitive from the State of Arizona to Burleson County.....	200.50
To pay Maples Funeral Home, Snyder, Texas, refund for Chain Store Tax erroneously collected.....	5.00
To pay Marlin Sanatorium Bath House, Inc., Marlin, Texas, for franchise tax erroneously collected.....	74.71
To pay Metropolitan Life Insurance Co., New York, New York, refund of occupation tax erroneously collected.....	7,920.00
To pay Mercury Insurance Co., St. Paul, Minnesota, refund of occupation tax erroneously collected.....	1,381.79
To pay Melville Shoe Corporation, Worchester, Mass., refund of overpayment of Chain Store Tax.....	250.50
To pay Miller, A. F. Company, Incorporated, Houston, Texas, for refund of franchise tax erroneously collected.....	10.20
To pay Maintenance Engineering Corp., Houston, Texas, General Revenue Warrant No. 160419 on which payment was prohibited by Statute of Limitation.....	54.56
To pay Mittendorf, Mrs. Alex, Fredericksburg, Texas, for refund liquor permit.....	37.50
To pay Moore, A. F., Kerrville, Texas, General Revenue Warrants on which payments were prohibited by Statute of Limitation.....	67.60
To pay Maxwell, Anna, Commerce, Texas, General Revenue Warrant No. 149372, on which payment was prohibited by Statute of Limitation.....	166.72

To pay Miller, R. W., Huntsville, Texas, General Revenue Warrant No. 122744 on which payment was prohibited by Statute of Limitation.....	110.00
To pay New England Mutual Life Insurance Co., Boston, Massachusetts, refund of Occupation Tax erroneously collected.....	521.13
To pay National Band & Tag Co., Newport, Kentucky, General Revenue Warrants, Nos. 35330 and 39959 on which payment was prohibited by Statute of Limitation.....	57.00
To pay Navasota Independent School District, Navasota, Texas, for payment of Special Warrant No. 4738.....	652.00
To pay Ohio National Insurance Co., Cincinnati, Ohio, refund of occupation tax erroneously collected.....	1,266.16
To pay Peavy, H. S., Sherman, Texas, for refund of taxes erroneously collected.....	10.40
To pay Pressler Paint & Wall Paper Co., Austin, Texas, refund of Franchise tax erroneously collected.....	10.00
To pay Southern Bedding Manufacturing Co., Austin, Texas, refund of license fee erroneously collected by Health Department.....	1.50
To pay Ramirez, C. H., Laredo, Texas, for Chain Store Tax erroneously collected.....	1.50
To pay Reinecker, E. E., Bellville, Texas, for expenses incurred in returning a fugitive from Justice from Los Angeles, California, to Bellville, Texas.....	187.70
To pay Ricker, Charles C., Austin, Texas, refund for license fee erroneously collected by the Insurance Department.....	8.00
To pay Royal, Bob, Abilene, Texas, refund for license fee erroneously collected by Labor Department.....	50.00
To pay Reed, Allen, Dallas, Texas, for assisting District Attorney in Dallas County, Texas.....	100.00
To pay Stone Fort National Bank, Nacogdoches, Texas, General Revenue Warrant No. 93984, on which payment was prohibited by Statute of Limitation.....	17.50
To pay Smith, D. G., Dallas, Texas, refund of unexpired portion of Beer and Wine Retail Permit.....	26.00
To pay Sengelman, Dr. W. A., Houston, Texas, in payment for medical services to inmates of Texas Penitentiary.....	250.00
To pay Snodgrass, Clifton, Omaha, Texas, refund for Breeding Fees.....	7.50
To pay Stone, Ben H., Amarillo, Texas, General Revenue Warrants Nos. 58901 and 28306 on which payment was prohibited by Statute of Limitation.....	50.00
To pay Security State Bank and Trust Co., Beaumont, Texas, General Revenue Warrant on which payment was prohibited by Statute of Limitation.....	104.00
To pay Smith, W. H., Uvalde, Texas, General Revenue Warrant on which payment was prohibited by Statute of Limitation.....	36.95
To pay The Steck Company, Austin, Texas, for printing for the State Board of Dental Examiners.....	11.78
To pay Schuehler, Charles J., Hondo, Texas, in payment of a reward offered by the Governor, James V. Allred, as Governor of Texas.....	250.00
To pay Stewart, Elmon D., Llano, Texas, in payment for the return of a fugitive from Justice from Phoenix, Arizona to Llano, Texas.....	254.70
To pay Sherryland Public School District, Mission, Texas, for payment of General Revenue Warrant No. 170639, on which payment was prohibited by Statute of Limitation.....	79.12
To pay Southern Lloyds, San Antonio, Texas, in payment of refund from occupation tax erroneously collected.....	190.96
To pay Southwestern Bell Telephone Company, Austin, Texas, for payment of General Revenue Warrant on which payment was prohibited by Statute of Limitation.....	734.26

To pay Southwestern Bell Telephone Company, Austin, Texas, for services rendered the Attorney General's Office at Longview, Texas, during the year 1935.....	284.92
To pay Southwestern Bell Telephone Company, Austin, Texas, for services rendered the Industrial Accident Board, Austin, Texas, for the year 1939.....	64.15
To pay The Corpus Christi National Bank, Corpus Christi, Texas, for payment of General Revenue Warrant No. 53084, on which payment was prohibited by Statute of Limitation.....	8.72
To pay Templin, George H., Austin, Texas, in payment of Court cost due in Cause No. 55714, the State of Texas versus the Texas Income Insurance Company, passing on final judgment in the said Cause to charge the Court cost against the State of Texas	1,016.30
To pay Texas Cafe, Belton, Texas, refund on Chain Store Tax erroneously collected	4.50
To pay The Lamesa National Bank, Lamesa, Texas, in payment of General Revenue Warrants Nos. 57904 and 57905 on which payment was prohibited by Statute of Limitation.....	10.72
To pay Traveler's Insurance Company, Hartford, Connecticut, for refund on Occupation Tax erroneously collected.....	10,825.14
To pay The Steck Company, Austin, Texas, for printing in the Census Division for the Department of Education.....	923.41
To pay The Schumacher Company, Houston, Texas, Unemployment Warrant	8.23
To pay Two States Telephone Co., Texarkana, Texas, for Gross Receipts Tax Refund erroneously collected.....	11,610.10
To pay The Lincoln Life Insurance Company, Fort Wayne, Ind., for refund of taxes erroneously collected.....	936.14
To pay Universal Life Insurance Company, Memphis, Tennessee, refund on License Fees collected erroneously by the Insurance Department	849.50
To pay Union Central Life Insurance Company, Cincinnati, Ohio, refund on occupation tax erroneously collected.....	13,899.64
To pay The Virginia Fire & Marine Insurance Company, Dallas, Texas, for refund on occupation tax erroneously collected...	23.00
To pay Wells, E. F., Corsicana, Texas, in payment of Warrant No. 27906 prohibited by Statute of Limitation.....	40.15
To pay Wilcox, A., Clifton, Texas, for refund of taxes erroneously collected	21.63
To pay Western Newspaper Union, Delaware, for refund of franchise taxes illegally collected.....	9,546.00
To pay Norris, W. H., Lumber Company, Houston, Texas, for refund on Chain Store Tax erroneously collected.....	25.50
To pay McClurkan & Company, Wichita Falls, Texas, for refund on franchise tax erroneously collected.....	30.00
To pay Williams, W. T., Austin, Texas, for a refund of moneys paid into the Permanent School Fund to purchase two tracts of land which were patented to W. T. Williams, but the patents were subsequently revoked.....	442.44
To pay Williams, H. A., Nacogdoches, Texas, Old Age Assistance Warrant No. B 3592, on which payment was prohibited by Statute of Limitation.....	11.00
There is hereby appropriated out of the General Revenue Fund in the State Treasury not otherwise appropriated the sum of Fifty-eight Thousand Four Hundred Ten and 11/100 (\$58,410.11) Dollars to refund to the Cities of Sinton and Aransas Pass the amount of ad valorem taxes collected and wrongfully remitted to the State Treasury by San Patricio County since September 18, 1939, and being paid into the State Treasury under demand of the State Comptroller of Public Accounts by virtue of H. B. No. 181, Acts of the Regular Session of the Forty-sixth Legislature. Since the Tax Assessor-Collector of San Patricio County has wrong-	

fully and erroneously remitted to the State Treasury the moneys which should have been paid to the cities of Sinton and Aransas Pass, it is necessary that this appropriation be made to correct such error. The Comptroller of Public Accounts is directed to issue his warrant in compliance with this appropriation	58,410.11
To pay J. I. Case Threshing Machine Co. for refund of franchise taxes illegally collected.....	23,746.66
To pay Dick Isbell in settlement of judgment in Cause No. 6471 in the 7th Judicial District of Upshur County, Texas.....	1,000.00
To pay the following named persons the amounts appearing opposite their names for refund of excessive final payments on school lands:	
Settle, Mrs. J. W., Brownfield, Texas.....	3.60
Colorado National Farm Loan Ass'n., Colorado City, Texas.....	2.15
Elliott, Ross, Breckenridge, Texas.....	4.32
Sun Oil Company, Dallas, Texas.....	1.18
Tomlinson, W. E., Dallas, Texas.....	5.04
Rape, J. Marvin Dr., San Angelo, Texas.....	1.51
Ingram Abstract Company, Wharton, Texas.....	3.88
Harrison, R. L., Stamford, Texas.....	15.18
Farmer, A. G., Junction, Texas.....	.62
Strake, Geo., W., for Omar R. Strunk, Houston, Texas.....	3.57
Thompson, J. B., Seminole, Texas.....	36.28
Nield, Daisy C., Texhoma, Oklahoma.....	1.26
Wheeler, Alfred, Sumner, Texas.....	1.32
Willson, John W., Cotulla, Texas.....	2.71
Jones & Fly, San Antonio, Texas.....	1.00
Williams, W. Erskine, Fort Worth, Texas.....	2.23
Waldeck, R. J., Cuero, Texas.....	2.43
Beverly, W. C., Mrs., for Estate of Mrs. C. Adair, Palodura, Texas.....	1.39
Stieren, L. W., San Antonio, Texas.....	56.33
Berry, Tom B., Wellington, Texas.....	4.77
Carr, John, Big Lake, Texas.....	4.24
Clement, Grace, Miss, Wellington, Texas.....	5.01
Irion, M. R., Dallas, Texas.....	2.99
Moss, Paul, Odessa, Texas.....	6.85
Barnes, Cecil H., San Angelo, Texas.....	1.76
Wilhelm, Fritz, Menard, Texas.....	25.66
Duncan, A. B., Abstract Company, Floydada, Texas.....	38.67
Hodge, C. T. Adm. for Est. of Leonard Taylor, Fort Worth, Texas.....	6.15
Sanderson, N. F. L. A., Sanderson, Texas.....	3.80
Jayton, N. F. L. A., Jayton, Texas.....	3.67
Schreiner, L. A., Kerrville, Texas.....	19.07
Turkey, N. F. L. A., Turkey, Texas.....	2.50
Thompson, Charles C., Colorado City, Texas.....	3.70
Pampa N. F. L. A., Pampa, Texas.....	2.71
Brady, N. F. . A., Brady, Texas.....	1.02
Brady N. F. L. A., Brady, Texas.....	1.25
Weatherford, W. M., Coleman, Texas.....	1.00
Big Bend Abstract Company, Alpine, Texas.....	2.08
Swisher County Abstract Company, Tulia, Texas.....	4.40
Swearingen & Miller, San Antonio, Texas.....	8.35
Federal Land Bank, Houston, Texas.....	367.91
To pay the following named persons the amounts appearing opposite their names for refund of excessive final payments on asylum land:	
Jaye, Fred C., De Leon, Texas.....	29.86
To pay the following named persons the amounts appearing opposite their names for refund of excessive interest payments on school land:	

Cleveland, W. H., Marfa, Texas.....	66.40
Parker, W. D., Kerrville, Texas.....	9.36
Proctor, D. C., Fort Worth, Texas.....	38.50
Whitworth, W. W., Kerrville, Texas.....	5.85
To pay the following named persons the amounts appearing opposite their names for refund of excessive interest pay- ment on alysum land:	
Hampton, E. G., Baird, Texas.....	7.67
To pay the following named persons the amounts appearing opposite their names for refund of credits existing by reason or cancelled school land sales:	
York, R. L., Midland, Texas.....	200.00
Erskine, C. H., San Antonio, Texas.....	26.55
Ahlers, L. B., et al., Eagle Lake, Texas.....	150.41
To pay the following named persons the amounts appearing opposite their names for refund of excessive bonus and rental payments:	
Baldwin, Molly, Mrs., Jefferson, Texas.....	20.39
Baldwin, Molly, Mrs., Jefferson, Texas.....	20.39
Arkansas-Louisiana Gas Company, Shreveport, Louisiana.....	20.39
Arkansas-Louisiana Gas Company, Shreveport, Louisiana.....	120.09
Brown, Herman, Austin, Texas.....	100.00
To pay the following named persons the amounts appearing opposite their names for refund of credit existing by reason of cancelled grazing lease:	
Wingfield, W. W. and Sandel, D. W., Leakey, Texas.....	17.70
To pay the following named persons the amounts appearing opposite their names for refund of excessive fees paid into General Revenue Fund:	
Sieber, E. Hayes, Lubbock, Texas.....	2.00
Brittain, L. H., Fort Worth, Texas.....	2.00
Chaney & Davis, San Antonio, Texas.....	1.50
Clay, Bessie, Byars, Oklahoma.....	.50
Collins, Jackson & Snodgrass, San Angelo, Texas.....	6.00
First National Bank, Hereford, Texas.....	.50
King, Roy H., Wichita Falls, Texas.....	1.75
Sadd, M. C., San Antonio, Texas.....	1.00
Snider, L. B., San Antonio, Texas.....	1.25
Steinle, Alfred N., Jourdanton, Texas.....	1.25
Smith & Smith, Fort Worth, Texas.....	1.00
Albaugh, Ray A., Lamesa, Texas.....	.50
Cone, Gordon M., Lubbock, Texas.....	1.00
Smith, Fielding G., Austin, Texas.....	1.00
Landreth Production Corporation, Fort Worth, Texas.....	1.00
Landreth Production Corporation, Fort Worth, Texas.....	1.00
Jones, Edgar E., Munday, Texas.....	1.00
Wohlford, Chas. J., San Angelo, Texas.....	.50
Union Central Oil Company, Houston, Texas.....	.50
Walston, Cecil, Menard, Texas.....	3.50
Thomas, Noble, Channing, Texas.....	1.00
Meeker, J. R., Fort Worth, Texas.....	3.00
Baten, Thomas J., Beaumont, Texas.....	.75
Baten, Thomas J., Beaumont, Texas.....	4.00
Butts, Mollie J., Shamrock, Texas.....	1.00
King, B. D., Wharton, Texas.....	17.75
Amarillo Abstract Company, Amarillo, Texas.....	1.75
Bowen, Felix, Tulsa, Oklahoma.....	1.00
Barclay, Lillian, Waco, Texas.....	.35
Butz, H. H., Fort Stockton, Texas.....	.50
Cox & Brown, Temple, Texas.....	1.00
Collins, Bryant M., Corpus Christi, Texas.....	4.00
Capitol City Abstract Company, Austin, Texas.....	3.60
Dumas, M. E., Plains, Texas.....	.50

Damon, S. E., Austin, Texas.....	1.25
Gothard, C. C., Hobbs, New Mexico.....	.50
Garrett Abstract Company, Cuero, Texas.....	.50
Green, O. W., San Angelo, Texas.....	.50
Gill, Hugh, Houston, Texas.....	.75
Hedberg, H. A., Fort Worth, Texas.....	1.00
Haxel, G. G., Alice, Texas.....	1.00
Johnson, Tom C., San Marcos, Texas.....	1.25
Klingeman, D. O., Karnes City, Texas.....	.75
McPherson, A. M., Wichita Falls, Texas.....	2.00
Miesse, R. S., Los Angeles, California.....	1.00
Mackey, J. T., Houston, Texas.....	.75
Pearson, Mrs. J. J., Wichita Falls, Texas.....	.50
Phillips Drilling Company, San Antonio, Texas.....	1.00
Peiler, Fred, Lampasas, Texas.....	1.00
Reed, D. C., Austin, Texas.....	.25
Harvey, Pritchett, Houston, Texas.....	.50
Ray, Hilda Blair, Midland, Texas.....	1.00
Russell & Russell, Baird, Texas.....	.25
Ritchey & Ritchey, Mineral Wells, Texas.....	1.25
Smith, Albert, Houston, Texas.....	.25
Strahan, N. M., Big Spring, Texas.....	.50
Samuels, A. W., Fort Worth, Texas.....	1.00
Terry County Abstract Company, Brownfield, Texas.....	.50
Webb, G. P., Sherman, Texas.....	1.25
Wright, F. D., Cisco, Texas.....	1.00
Withers, Robert C., Fort Davis, Texas.....	1.00
Subsection B. There is hereby appropriated out of the Highway Fund the following amounts:	
To pay Ackerman, Mrs. J. Albert, San Antonio, Texas in settlement of a judgment in Cause No. 89527 in the District Court of the Thirty-seventh Judicial District, Bexar County, Texas.....	1,827.00
To pay Barrett, M. L., Belton, Texas, in payment of Judgment entered in Cause No. 22783, District Court of Bell County, Texas.....	200.00
To pay Burton, Fred M., & Company, Galveston, Texas, for insurance on ferry boats.....	373.56
To pay Gradham Insurance Agency, Brady, Texas, in payment of State Highway Warrant on which payment was prohibited by Statute of Limitation.....	21.15
To pay Caldwell & Son, Abilene, Texas, for payment of Warrant No. 35479, payment of which was prohibited by Statute of Limitation.....	81.76
To pay Hartmann, J. A., Rockwall, Texas, for payment of Motor Fuel Refund Tax Warrant No. 84527 on which payment was prohibited by Statute of Limitation.....	7.71
To pay Janes, T. D., Hillsboro, Texas, in payment of State Highway Warrant No. 113810, payment of which was prohibited by Statute of Limitation.....	800.00
To pay Marckwardt, Edwin, San Antonio, Texas, in payment of Judgment entered against the State of Texas in the Fifty-seventh Judicial District Court of Texas.....	1,250.00
To pay Caledonia Steel Co., in full settlement of judgment in Cause No. 53909 in the 126th District Court of Travis County, Texas.....	3,250.00
Subsection C. There is hereby appropriated out of the Motor Fuel Tax Fund the following amounts:	
To pay Carr, James, Encinal, Texas for Motor Fuel Tax Refund.....	368.08
To pay Lamb County, Motor Fuel Refund, Prec. No. 4, Warrant No. 59115.....	117.92
To pay Espinosa, J. P., Melvin, Texas, for payment of Motor Fuel Warrant No. 54645, on which payment was prohibited by Statute of Limitation.....	9.69

To pay Lavaca County, Texas, for Motor Fuel Tax Refund.....	56.63
To pay Montgomery County, Texas, for Motor Fuel Tax Refund	205.36
To pay Asa E. Ramsay, Jefferson, Texas, for gasoline tax exemption certificates filed with the Comptroller of Public Accounts, on which payment is prohibited by the Statute of Limitation	187.20
To pay Reeh, Clemens, Fredericksburg, Texas, for payment of Motor Fuel Warrant No. 83419.....	3.36
To pay Scott, N. M., Del Rio, Texas, for payment of Motor Fuel Warrant No. 56545.....	42.36
To pay Texas Bithulithic Co., Tyler, Texas, for payment of Motor Fuel Tax Refund.....	186.56
To pay Winkler, J. A., San Antonio, Texas, for payment of Refund on Motor Fuel Tax Warrant No. 66896.....	10.88
To pay Whatley, W. T., Houston, Texas, for payment of Motor Fuel Warrant No. 176824.....	12.54
To pay Wiley, H. A., Stephenville, Texas, for payment of Motor Fuel Warrant No. 55081.....	9.89
To pay Whittliff, A., Galveston, Texas, for payment of Motor Fuel Warrant No. 64076.....	27.27
To pay Leslie Neel, Motor Fuel Warrant No. 59850.....	71.71
To pay Lee Fortenberry, Motor Fuel Refund.....	38.00
Subsection D. There is hereby appropriated out of the Confederate Pension Warrant Fund the following amounts:	
To pay Brown, Mary Lee, Austin, Texas, Warrant No. 73902, on which payment was prohibited by Statute of Limitation.....	25.00
To pay Broyles, Georgie A., Cherokee, Texas, Warrant No. 11011, on which payment was prohibited by Statute of Limitation	25.00
To pay Citizens National Bank, Cameron, Texas, in payment of Confederate Pension Warrants.....	150.00
To pay Citizens National Bank, Cameron, Texas, in payment of Confederate Pension Warrants.....	675.00
To pay Citizens National Bank, Cameron, Texas, in payment of Confederate Pension Warrants.....	125.00
To pay Citizens National Bank, Cameron, Texas, in payment of Confederate Pension Warrants.....	225.00
To pay Citizens National Bank, Cameron, Texas, in payment of Confederate Pension Warrants.....	200.00
To pay First State Bank, Overton, Texas, in payment of Confederate Pension Warrants.....	450.00
To pay Mrs. Lizzie P. Hughes, Kemper, Texas, Warrant Duplicate No. 1885, dated September 30, 1937, Confederate Widow Pension, on which payment is prohibited by the Statute of Limitation	25.00
To pay Parrish, M. C. & Company, Austin, Texas, in payment of Confederate Pension Warrants.....	400.00
To pay Pennington, Mrs. C. A., Cleburne, Texas, in payment of Confederate Pension Warrant.....	125.00
To pay Strawn, Lewis P., Mineral Wells, Texas, for refund of money erroneously placed in the Pension Fund by the State Comptroller	125.00
To pay Tate, A. C., Honey Grove, Texas, Confederate Pension Warrant	50.00
To pay Citizens National Bank, Cameron, Texas, in payment of Confederate Pension Warrants.....	225.00

Sec. 2. It is specifically provided herein that before any claim shall be paid from funds hereby appropriated the same shall have the approval of the State Comptroller, and the Attorney General. It is further provided that any claim involving the refund of a franchise tax shall also carry the approval of the Secretary of State in addition to the other officials herein named.

Sec. 3. That the Comptroller of Public Accounts is hereby authorized and directed to issue a warrant or warrants on the State Treasury in favor of each of the persons, firms, or corporations named herein, in the amounts set opposite their respective names, and shall mail or deliver to each of said persons, firms, or corporations at their said respective addresses, warrant or warrants in payment of said claim or claims, and said persons, firms, or corporations shall duly receipt the Comptroller for said warrant or warrants for payment of said claim or claims.

Sec. 4. The fact that the claims herein appropriated for are past due, and the persons, firms, and corporations to whom the same are payable are being deprived of the proceeds thereof, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

House Bill 73 Passed over Governor's Veto

Senator Moore moved that H. B. No. 73, relating to offense of driving while intoxicated, vetoed by the Governor and passed by the House notwithstanding the Governor's objections, be now reconsidered and passed by the Senate notwithstanding the objections of the Governor thereto, and his veto and disapproval thereof.

The motion prevailed by the following vote:

Yeas—23

Cotten	Metcalf
Fain	Moffett
Formby	Moore
Hazlewood	Ramsey
Isbell	Shivers
Lanning	Smith
Lemens	Spears
Lovelady	Stone
Mauritz	Sulak

Van Zandt	Winfield
Vick	York
Weinert	

Nays—6

Aikin	Chadick
Beck	Kelley
Brownlee	Martin

Absent—Excused

Graves	Hill
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Relative to Executive Session

Senator Martin asked unanimous consent of the Senate that an executive session be held by the Senate at 11:00 o'clock a. m. today.

The President announced there was objection to the request.

Senator Martin gave notice that he would on tomorrow move that the Senate hold an executive session at 11:00 o'clock a. m. on that day.

Bills and Resolution Signed

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bills and resolution:

H. B. No. 161, A bill to be entitled "An Act to amend subdivision 90 of Article 199 of the Revised Statutes of the State of Texas, 1925, so as to change the time and terms of holding the terms of the District Court of Stephens County, providing that Stephens and Young Counties shall constitute the 90th Judicial District, fixing the terms and time for holding court in Stephens and Young Counties, prescribing the powers and duties of the 90th District Court, and providing for the transfer of cases from the 30th Judicial District Court to the 90th Judicial District of Young County, and from the 90th District Court in Young County to the 30th District Court in Young County, providing for District Clerks in Stephens and Young Counties, and their successors in office to be clerks of said 30th District Court and 90th District Court in their respective counties, validating all processes, bonds and writs issued and served before the taking effect of this Act, including recognizances and bonds, and making them returnable to the next terms of court in said counties and district fixed herein, to validate the summoning of grand and petit juries under the present law so as to render them available in said

counties under the Act, providing that if any section of this Act be held unconstitutional or invalid for any reason the same shall not impair or affect the remaining Sections or provisions; and declaring an emergency."

S. C. R. No. 78, Authorizing certain corrections in enrolled copy of S. B. No. 125.

S. B. No. 125, A bill to be entitled "An Act to amend Title 69 of the Revised Civil Statutes of Texas, 1925, by amending Articles 4113, 4114, 4116 and 4117 of Chapter 2 of said Title 69 relating to the commencement of proceedings for the appointment of guardians of the persons and estates of minors, persons of unsound mind, habitual drunkards and persons for whom it is necessary to appoint guardians to collect funds from the Federal Government and providing the kind and character of process that shall be issued in such cases and the manner in which such process shall be served; and by amending Articles 4122 and 4123 of Chapter 3 of said Title 69 providing that certain persons shall be disqualified and shall not be appointed guardians and providing for the appointment of guardians of estates of persons adjudged insane or habitual drunkards by courts of competent jurisdiction in other states and territories of the United States; and by amending Articles 4228 and 4229 of Chapter 10 of said Title 69 providing for the acceptance of resignations of guardians and the appointment of successor guardians upon the death, resignation or removal of guardians; and by amending Article 4272 of Chapter 12 of said Title 69 providing for the appointment of guardians of persons adjudged insane or habitual drunkards after the issuance and service of process as therein provided for and for other purposes; and declaring an emergency."

Senate Concurrent Resolution 80

Senator Mauritz, by unanimous consent, offered at this time the following resolution:

S. C. R. No. 80, Recalling S. B. No. 429 from the Governor.

Whereas, S. B. No. 429 has passed both Houses of the Legislature and is now on the Governor's desk for his approval; and

Whereas, It is necessary that the following language be stricken from

said bill: "amending Article 6899 of the Revised Civil Statutes of Texas, by adding thereto a new Section to be known as Article 6899d"; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That said bill be recalled from the Governor's office, and that the Enrolling Clerk of the Senate be instructed to make such correction.

The resolution was read; and on motion of Senator Mauritz and by unanimous consent, it was considered immediately.

The resolution was adopted.

Report of Conference Committee on Senate Bill 423

Senator Aikin called for the consideration at this time of the report of the Conference Committee on S. B. No. 423, making appropriations for the State departments and agencies for the biennium ending August 31, 1943 (the report having been previously submitted and printed in the Journal).

The President laid the report before the Senate.

Question—Shall the report be adopted?

(Senator Moore in the Chair.)

Yeas and nays were demanded, and the report was adopted by the following vote:

Yeas—15

Aikin	Martin
Brownlee	Mauritz
Cotten	Spears
Fain	Stone
Formby	Van Zandt
Hazlewood	Winfield
Kelley	York
Lemens	

Nays—14

Beck	Moore
Chadick	Ramsey
Isbell	Shivers
Lanning	Smith
Lovelady	Sulak
Metcalfe	Vick
Moffett	Weinert

Absent—Excused

Graves	Hill
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(President in the Chair.)

Message from the House

A clerk of the House was recognized by the President to present the following message:

Hall of the House of Representatives,
Austin, Texas,
June 17, 1941.

Hon. Coke R. Stevenson, President
of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

S. C. R. No. 47, Authorizing Board of Control to extend certain lease to the City of Austin.

S. C. R. No. 79, Establishing cotton research facilities in Texas.

S. C. R. No. 80, Authorizing Enrolling Clerk of the Senate to correct S. B. No. 429.

The House has adopted the Conference Committee Report on H. B. No. 971 by a vote of 124 ayes. 0 noes.

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

Bills Signed

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bills:

H. B. No. 51, A bill to be entitled "An Act to amend Article 4766 Revised Civil Statutes of 1925 as amended by Acts of 1937, Forty-fifth Legislature, page 419, Chapter 214, Section 1, so as to provide that the term 'Texas Securities' as used in Title 78, Chapter 4, of the Revised Statutes of 1925 shall include promissory notes and other obligations, payment of which is secured by a mortgage, deed of trust or other valid lien upon unencumbered real estate situated in the State of Texas, the title to which real estate is valid and the market value of which is forty (40%) per cent more than the amount loaned thereon, and also to include first liens upon leasehold estate in real property and improvements thereon, the title to which is valid and the leasehold on which has not less than thirty (30) years to run before expiration, provided that the duration of any loan upon such a leasehold estate shall not exceed a period of ten (10) years; and declaring an emergency."

H. B. No. 624, A bill to be entitled "An Act amending Chapter 2 (H. B.

No. 614) of the Act of June 2, 1939, page 346, General Laws of the Forty-sixth Legislature, to provide for uniform fees to be charged for the issuance of delayed birth and death certificates by the Probate Court, the clerk thereof and the State Registrar; and declaring an emergency."

H. B. No. 933, A bill to be entitled "An Act to prohibit the use in Fort Phantom Hill Lake of Jones and Taylor Counties of certain devices for catching fish; to limit the size and number of fish to be caught; to prohibit the taking of any fresh water fish during the months of February, March or April, to prohibit the taking of any catfish during the months of March, April, May and June; to regulate the taking of minnows; providing a penalty; and declaring an emergency."

H. B. No. 936, A bill to be entitled "An Act providing that it shall be lawful in Cass County, Texas, for any person to kill, take, or have in his possession for barter or sale any wild fox or the pelts thereof from December 1 to December 31, inclusive, of any year; repealing all laws in conflict; and declaring an emergency."

House Bill 942 on Third Reading

Senator Shivers moved that the regular order of business be suspended to take up H. B. No. 942, on its third reading and final passage.

Senator Lovelady moved the previous question on the motion to suspend the regular order of business, and the motion was duly seconded.

The main question was ordered by the following vote:

Yeas—18

Beck	Moffett
Chadick	Ramsey
Fain	Shivers
Hazlewood	Smith
Kelley	Spears
Lemens	Stone
Lovelady	Weinert
Mauritz	Winfield
Metcalf	York

Nays—11

Aikin	Martin
Brownlee	Moore
Cotten	Sulak
Formby	Van Zandt
Isbell	Vick
Lanning	

Absent—Excused

Graves

Hill

The question then recurred on the motion to suspend the regular order of business.

The motion to suspend prevailed by the following vote:

Yeas—22

Aikin	Moffett
Beck	Ramsey
Chadick	Shivers
Fain	Smith
Hazlewood	Spears
Isbell	Stone
Kelley	Sulak
Lemens	Vick
Lovelady	Weinert
Mauritz	Winfield
Metcalf	York

Nays—7

Brownlee	Martin
Cotten	Moore
Formby	Van Zandt
Lanning	

Absent—Excused

Graves

Hill

The President laid before the Senate on its third reading and final passage:

H. B. No. 942, A bill to be entitled "An Act amending Section 6, Chapter 2, Acts of Forty-second Legislature, Fourth Called Session, as amended by Section 9, Chapter 76, Acts of the Forty-fourth Legislature, Regular Session, and providing that the Railroad Commission shall limit production of crude petroleum oil in this State to the reasonable market demand therefor, providing that the allowable production of oil shall be allocated among the pools in the State by the Railroad Commission; providing that the Railroad Commission shall ascertain the reasonable market demand; providing that certain factors shall be considered by the Railroad Commission in determining reasonable market demand; providing that certain factors shall be considered by the Railroad Commission in allocating and apportioning the allowable production of oil among the pools in this State; and declaring an emergency."

The bill was read third time.

Senator Lovelady moved the previous question on the bill, and the motion was duly seconded.

Yeas and nays were demanded, and the main question was ordered by the following vote:

Yeas—19

Beck	Moffett
Chadick	Ramsey
Fain	Shivers
Hazlewood	Smith
Kelley	Spears
Lemens	Stone
Lovelady	Weinert
Martin	Winfield
Mauritz	York
Metcalf	

Nays—10

Aikin	Lanning
Brownlee	Moore
Cotten	Sulak
Formby	Van Zandt
Isbell	Vick

Absent—Excused

Graves

Hill

Senator Martin moved to reconsider the vote by which the main question was ordered.

Pending an address by Senator Martin on the question, Shall the motion to reconsider prevail? Senator Shivers raised the point of order that the motion is not debateable.

Senator Moore asked for an immediate ruling on the point of order, and the request was duly seconded.

Question—Shall an immediate ruling on the point of order be demanded by the Senate?

The Senate demanded an immediate ruling by the following vote:

Yeas—19

Beck	Ramsey
Chadick	Shivers
Fain	Smith
Hazlewood	Spears
Kelley	Stone
Lemens	Vick
Lovelady	Weinert
Mauritz	Winfield
Metcalf	York
Moffett	

Nays—10

Aikin	Lanning
Brownlee	Martin
Cotten	Moore
Formby	Sulak
Isbell	Van Zandt

Absent—Excused

Graves

Hill

The President sustained the point of order.

Senator Moore raised a point of order against further consideration of the bill, on the ground that it contravenes the Constitution of the United States inasmuch as it permits confiscation of property without due process of law.

The President overruled the point of order.

Senator Moore moved that the rule prohibiting debate of the motion to reconsider the vote by which the main question is ordered be suspended to permit debate of the motion of Senator Martin to reconsider the vote by which the main question was ordered on the passage of the bill.

Pending an address by Senator Moore on the question, Shall the motion to suspend the rule prevail? Senator Shivers raised the point of order that the motion of Senator Moore to suspend the rule is not debateable.

The President sustained the point of order.

Senator Moore then withdrew the motion to suspend.

The question then recurred on the motion to reconsider the vote by which the main question was ordered.

The motion to reconsider was lost by the following vote:

Yeas—10

Aikin	Lanning
Brownlee	Martin
Cotten	Moore
Formby	Sulak
Isbell	Vick

Nays—16

Beck	Moffett
Chadick	Ramsey
Fain	Shivers
Kelley	Smith
Lemens	Stone
Lovelady	Weinert
Mauritz	Winfield
Metcalfe	York

Absent

Hazlewood	Van Zandt
Spears	

Absent—Excused

Graves	Hill
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The bill then was passed by the following vote:

Yeas—22

Aikin	Moffett
Beck	Ramsey
Chadick	Shivers
Fain	Smith
Hazlewood	Spears
Isbell	Stone
Kelley	Sulak
Lemens	Vick
Lovelady	Weinert
Mauritz	Winfield
Metcalfe	York

Nays—5

Brownlee	Lanning
Cotten	Martin
Formby	

Absent

Van Zandt

Absent—Excused

Hill

Paired

Senator Moore (present), who would vote "nay," with Senator Graves (absent), who would vote "yea."

Senator Weinert moved to reconsider the vote by which the bill was passed.

Senator Shivers moved to table the motion to reconsider.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—22

Aikin	Moffett
Beck	Ramsey
Chadick	Shivers
Fain	Smith
Hazlewood	Spears
Isbell	Stone
Kelley	Sulak
Lemens	Vick
Lovelady	Weinert
Mauritz	Winfield
Metcalfe	York

Nays—6

Brownlee	Lanning
Cotten	Martin
Formby	Moore

Absent

Van Zandt

Absent—Excused

Graves	Hill
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Report of Standing Committee

Senator Moore, by unanimous consent, submitted at this time the following report:

Austin, Texas,
June 17, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 505, A bill to be entitled "An Act to aid Wise County, Texas, in the procuring of land, laying out, constructing and reconstructing public roads and highways and bridges in the various commissioners' precincts of said county, to aid in projects sponsored by Wise County, Texas, in cooperation with Federal Works Progress Administration or its successors and for general relief and rehabilitation purposes; etc."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass with amendment and be not printed.

MOORE, Chairman.

Senate Bill 505 on Second Reading

Senator Lanning moved that the regular order of business be suspended to permit consideration of S. B. No. 505 at this time.

The motion prevailed by the following vote:

Yeas—23

Brownlee	Mauritz
Chadick	Metcalfe
Cotten	Moffett
Fain	Moore
Formby	Ramsey
Hazlewood	Smith
Isbell	Stone
Kelley	Sulak
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	

Nays—4

Aikin	Shivers
Beck	York

Absent

Spears	Van Zandt
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Absent—Excused

Graves	Hill
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The President then laid before the Senate on its second reading and passage to engrossment:

S. B. No. 505, A bill to be entitled "An Act to aid Wise County, Texas, in the procuring of land, laying out, constructing and reconstructing public roads and highways and bridges in the various commissioner's precincts of said county, to aid in projects sponsored by Wise County, Texas, in cooperation with Federal Works Progress Administration or its successors and for general relief and rehabilitation purposes; authorizing the Commissioners' Court of Wise County, Texas to issue short term bonds, limiting the amount thereof and the interest to be paid thereon; providing a penalty for misappropriation of the moneys donated; defining certain conditions within said county to constitute a public calamity and declaring an emergency; providing that if any Section, Subsection, paragraph, clause, sentence, or word of this Act or the application thereof to any person or circumstance is held invalid, such holding shall not affect the validity of the remaining provisions of this Act, the Legislature declaring that it would have passed such remaining portions, despite any partial invalidity."

The bill was read second time.

Senator Lanning offered the following amendment to the bill:

Amend the caption to S. B. No. 505 by adding the following at the end of such caption: "and declaring an emergency."

The amendment was adopted.

Senator Shivers offered the following amendment to the bill:

Amend S. B. No. 505 by adding at the end of Section 1 the following:

"Provided, however, that the taxes granted and donated herein shall be in lieu of any taxes granted and donated to Wise County under S. B. No. 5 of the Forty-seventh Legislature, and no taxes shall be granted and donated to Wise County under S. B. No. 5 of the Forty-seventh Legislature." And amend the caption to conform.

The amendment was adopted.

The bill was passed to engrossment.

Senate Bill 505 on Third Reading

Senator Lanning moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 505 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Hazlewood	Stone
Isbell	Sulak
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent

Spears Van Zandt

Absent—Excused

Graves Hill

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Cotten, Aikin, Formby, Isbell, Vick, Shivers and Beck asked to be recorded as voting "nay" on the passage of the bill.

Reports of Standing Committees

Senator Van Zandt, by unanimous consent, submitted at this time the following report:

Austin, Texas,
June 16, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Insurance to whom was referred

H. B. No. 86, A bill to be entitled "An Act to amend Chapter 482, Acts of the Forty-fourth Legislature, Third Called Session, (1936), page 1993, as amended by Acts of the Forty-fifth Legislature, (1937), Chapter 67, page 121, and as amended by Acts of the Forty-sixth Legislature, (1939), page 436, so as to make the

Texas Unemployment Compensation Law conform to amendments made by the Congress of the United States in 1939 to the Federal Social Security Act; providing additional definitions of the term 'employment'; providing for certain exceptions to the term 'employment'; providing what shall be included and excluded service; defining 'pay period'; re-defining the term 'wages'; making provision for the exclusion of certain remuneration from the term 'wages' after April 1, 1941; repealing all laws and parts of laws in conflict and specifically repealing any conflicting portion of Chapter 482, General and Special Laws, Forty-fourth Legislature, Third Called Session, as amended by Chapter 67, General and Special Laws, Forty-fifth Legislature, Regular Session, as amended by Chapter 2, Title: 'Labor,' General Laws, Forty-sixth Legislature, Regular Session; providing the Act shall not be construed as forfeiting or waiving any rights of the Texas Unemployment Compensation Commission including the right to collect contributions, interest, or penalties that have accrued under said Chapter and the right of prosecution for violation; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass as amended that it be mimeographed and not otherwise be printed.

VAN ZANDT, Chairman.

Senator Moore, by unanimous consent, submitted at this time the following report:

Senate Chamber,
Austin, Texas,
June 17, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 1084, A bill to be entitled "An Act to amend Chapter 63, Acts of 1933, Forty-third Legislature, First Called Session, page 169, as amended by Chapter 17, Acts of 1934, Forty-third Legislature, Fourth Called Session, page 47, so as to change Section 3 of said Chapter 63 so that the same may hereafter provide, in addition to its other provisions, that the Board of Directors of the Lower Neches Valley Authority shall consist of nine (9) instead of seven (7)

members, etc.; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment and be not printed.

MOORE, Chairman.

Senator Ramsey, by unanimous consent, submitted at this time the following report:

Austin, Texas,
June 17, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 1085, A bill to be entitled "An Act creating a Consolidated Road District No. 3 of Tyler County, Texas, under authority of Article 3, Section 52 of the Constitution of Texas, for the purpose of fully and fairly compensating original Road Districts Nos. 3 and 4 of said county in amounts equal to the respective amounts of road bonds outstanding against such included road districts respectively, and for the purpose of the purchase and construction of district roads therein, and for the purpose of the further construction, maintenance, and operation of macadamized, graveled, or paved roads and turnpikes, or in aid thereof, when authorized by a two-thirds majority vote of the qualified property taxpaying voters of said district, voting at an election for that purpose; making said road district a body corporate and taxing district under authority of Article 3, Section 52 of the Constitution of Texas, and as provided by Chapter 16, General Laws of the Thirty-ninth Legislature, First Called Session, and providing that said consolidated road district shall have authority and be vested with the rights and shall function as provided by the General Laws of Texas for such districts; describing the territory comprising such district, and reciting that it contains all of original road districts Nos. 3 and 4 of said county, and overlaps a portion of original road district No. 2 of said county, and providing that it shall not interfere in any manner with said road district No. 2 in levying, assessing, and collecting ad valorem taxes in payment of bonds of said road district No. 2; providing that it shall have authority to issue bonds and

levy ad valorem taxes in payment thereof as provided by the General Laws enacted under the provisions of Article 3, Section 52 of the Constitution of Texas and as provided by Chapter 16, General Laws of the Thirty-ninth Legislature, First Called Session; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Motion to Introduce Bill

Senator Moffett moved that Section 5 of Article 3 of the Constitution be suspended to permit his introducing a bill, the provisions of which he explained.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—18

Aikin	Lovelady
Brownlee	Mauritz
Chadick	Metcalfe
Fain	Moffett
Formby	Ramsey
Hazlewood	Smith
Kelley	Stone
Lanning	Sulak
Lemens	Weinert

Nays—6

Beck	Moore
Cotten	Shivers
Isbell	Winfield

Absent

Martin	Vick
Spears	York
Van Zandt	

Absent—Excused

Graves	Hill
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Senate Bill 268 on Passage to Engrossment

The President laid S. B. No. 268 before the Senate as the unfinished special order, on its passage to engrossment with substitute amendment by Senator Isbell pending.

Question—Shall the amendment be adopted?

Adjournment

On motion of Senator Cotten, the Senate, at 1:05 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

APPENDIX

Communication from Honorable
Thomas J. Holbrook

Austin, Texas,
June 16, 1941.

Hon. Bob Barker, Secretary State
Senate, Austin, Texas.

Dear Bob: Please convey to the
Senate my gracious thanks for the

beautiful flowers, which were sent to me at my room in Seton hospital during my recent sojourn there; also for the kindly expression of concern for my recovery, printed in the Senate Journal. These acts of kindness will never be forgotten. I am at home now, and hope after a little rest to regain my usual good health. With every good wish to each of you, I am

Yours sincerely,

T. J. HOLBROOK.

In Memory of
Mrs. Espa Stanford

Senator Vick offered the following resolution:

(Senate Resolution 169)

Whereas, On Sunday, June 15, Mrs. Espa Stanford of Waco, Texas, was called to an untimely death; and

Whereas, Mrs. Stanford was one of the outstanding business and club women of Texas, having served as National Vice President of the Altrusa Club, a member of the Dallas Women's organization, two terms as a member of the Industrial Accident Board, and was secretary to Governor Pat Neff during his administration; and

Whereas, She was noted for her graciousness and wisdom, as well as for her beautiful character. She was an outstanding civic leader, taking an active part in behalf of all things for the welfare of her community and country; now, therefore, be it

Resolved, That we extend to the members of her family our sincere sympathy and heartfelt regret at the passing of this noble woman; and that a copy of this resolution be spread on the Senate Journal in memory of Mrs. Stanford; and that the Secretary of the Senate be instructed to send a copy of this resolution to the members of the family of Mrs. Stanford.

The resolution was read and was adopted unanimously.